

Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chair, Joan Duff, and members, Linn Anderson, John McDonnell and Mark Yanowitz, Vincent Chiozzi (arrived 7:45); also present was Paul Materazzo, Director of Planning, and Jacki Byerley, Planner.

Minutes:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the minutes for June 22nd, July 13th and July 27, 2010 as amended. **Vote** Unanimous (4-0)

Merrimack Estates:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to set the performance guarantee for Merrimack Estates/Christian Way in the amount of \$98,100.00, that figure valid of the guarantee is posted within thirty (30) days. No Clearance Certificates will be issued until the performance guarantee has been secured and relevant conditions of approval have been completed. **Vote** Unanimous (4-0)

Other Planning Related Issues:

Mr. Materazzo updated the Board on the Bancroft School which was discussed at the Selectmen's meeting on Aug. 9th. Mark Johnson, a member of the School Building Committee, gave an update to the Board which included schematic design submittal, fee taking of West Knoll Road, funding for the project, access, and upcoming School Building Committee meetings to discuss finalization of the plans.

39-47 High Plain Road:

The Board opened the public hearings that were continued from the Aug. 10th meeting on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision consisting of 2 existing lots that will be reconfigured to create one new lot, entitled 39-47 High Plain Road. Chairman Duff reviewed the meeting process and topics that will be discussed. Jack McQuilkin of JM Associates, representing the applicant, gave an overview of the changes to the plans including screening along lot 2, catch basins, narrowing of the driveway to 12', and easements added to the record plan. He also reviewed the variance from the ZBA. Attorney Mark Johnson, representing the applicant, reviewed his letter to the Board dated Aug. 16, 2010 which included the draft Homeowners' Association (HOA) documents and driveway easements. Mr. Materazzo reviewed Ms. Schwarz's memo to the Board dated Aug. 24, 2010 that outlined outstanding issues. Mr. Materazzo noted that a landscaping plan has been submitted. Mr. Materazzo asked for clarification on the roadway dimensions, specifically where along the roadway length the applicant intends to narrow the roadway to 12'. The applicant, Scott Gibson, noted it would be one to two car lengths. Mr. Materazzo noted that it can be scaled off the plans and incorporated into a condition as long as it is going to be constructed exactly as shown on the approved plan. The Board discussed the following topics: the driveway/ roadway exclusive easements, whether or not the abutter to the new lot has seen the landscape plan, the ZBA decision and sequence of events in order to comply with zoning. Attorney Johnson reviewed the ZBA decision, which granted relief for the location of the barn but did not to give relief for the structures. Attorney Johnson noted that in order to sell lot 1, the lot must comply with zoning. He also reviewed details regarding the right-of-way (ROW) which will be owned by the HOA, and reviewed the driveway easements for lot 2. Attorney Johnson discussed the right to pass and re-pass and the

39-47 High Plain Road (cont.):

easements affecting all three lots for the purpose of maintenance . Mr. Materazzo noted that exclusive easements are private and are not part of the Board's decision. He noted that independent of the ZBA decision the subdivision plan as shown complies with zoning. He also questioned if they could reduce the (ROW) which would eliminate the need for variances. Mr. Gibson noted that he has not spoken to the abutter regarding the landscape plan. Mr. McQuilkin reviewed the landscape plan and specified where on the site the abutter was concerned about the screening. Attorney Johnson noted they will submit a waiver request for submitting Mylars and noted that lot 2 should be subject to the Board's restrictions but lots 1 & 3 should not be subject to the Board's restrictions.

Attorney Johnson also noted that he can request a waiver to reduce the ROW and show it on a plan if the Board would consider such a waiver, thereby making it unnecessary for the applicant to obtain variances. The Board discussed the suggestion to reduce the ROW; some Board members were not comfortable because it is not consistent with the Rules and Regulations and is also not consistent with waivers granted in prior Board approvals of small subdivisions. Ms. Anderson read an e-mail dated August 24, 2010 from the ZBA secretary which outlined the ZBA rationale for their denial. Mr. Serreno of 48 High Plain Road questioned how the lot would connect to power and how neighbors might be assured that the cul-de-sac would not ever be built out. Ms. Byerley reviewed an e-mail dated Aug. 12, 2010 from David Dargie outlining the utility process and procedure. Attorney Mark Johnson noted that there will be a condition of approval stating the cul-de-sac cannot be built out, and he noted that there could be the same language in the HOA documents. Ms. Anderson reviewed her conversation with Town Counsel on Aug. 24, 2010 regarding how the Board might impose a condition that the cul-de-sac could not ever be built. It should be noted at the Board's previous meeting the public hearings on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision consisting of 2 existing lots that will be reconfigured to create one new lot entitled 39-47 High Plain Road was continued to September 21, 2010.

Weeping Willow Estates:

The Board opened the public hearings that were continued from the Aug. 10th meeting on an application by Greenwood-Andover Development, LLC for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates located on the corner of Greenwood and Chandler Road. Dan Koravos of DK Engineering Associates, representing the applicant, gave the Board an overview of his meeting with the abutters. He reviewed the items to be discussed at tonight's meeting and noted that he has addressed all the comments from DPW and ESS Group, the peer consultant, and is awaiting their response. Mr. Koravos also reviewed the revised plans that included the drainage and the limit of clearing/buffering. He also reviewed a landscape plan that proposes a 15' no cut zone from lot 3 to lot 4, additional landscaping of up to 10 spruce trees 6' to 8' center to center to screen lot 3 from the existing home at 8 Matthew St, and landscaping for the cul-de-sac island. He further reviewed additional street trees to be planted on Lot 3 & 4 at the end of the cul-de-sac and screening of up to 8 arborvitaes and 3 spruce trees with the permission of both the resident at 207 Greenwood Road and the tree warden. The landscape plan also shows moving the driveway

Weeping Willow Estates (cont.):

for 206 Greenwood Road onto the proposed roadway, only if the property owner of 206 Greenwood Road requests the driveway relocation. Mr. Koravos reviewed the proposed volume of earth removal, and noted it's a balanced site. Ms. Byerley reviewed her memo to the Board dated August 19, 2010 which included an e-mail dated August 19, 2010 from the Safety Officer regarding traffic count, and speeds on Greenwood/Chandler Rd which he found reasonable in that area. Mr. Koravos reviewed the revised sewer lines for lots 8 & 9. The Board questioned the length of the sewer line. Raymond Cormier, the applicant, noted that the revision was based on a recommendation by the Board of Health. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearings on an application by Greenwood-Andover Development, LLC for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates until Sept. 21st at 8:15 pm; The Board further moved to conduct a site walk at 212 Greenwood Rd. Sept. 21st at 8:30 am. **Vote** Unanimous (5-0)

Other Planning Related Issues:

Ms. Anderson updated the Board on the search for an associate member and will give staff a list of candidates.

Adjournment: The Board voted to adjourn the meeting at 9:14 p.m.